

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES CHARLES BARNES,)	
Petitioner,)	Civil Action No. 13-120 Erie
)	
v.)	
)	Magistrate Judge Susan Paradise Baxter
MICHAEL W. HARLOW, <u>et al.</u>,)	
Respondents.)	

OPINION AND ORDER

The Petitioner, James Charles Barnes, is currently incarcerated in the State Correctional Institution located in Albion, Pennsylvania ("SCI Albion"). Before the Court is his petition for a writ of habeas corpus, which he has filed pursuant to 28 U.S.C. § 2254. [ECF No. 4]. In his petition, he is challenging the judgment of sentence imposed upon him on August 7, 2007, by the Court of Common Pleas of Monroe County at Criminal Docket No. CP-45-CR-1132-2006. SCI Albion is located within the territorial boundaries of this District. Monroe County is located within the territorial boundaries of the United States District Court for the Middle District of Pennsylvania. 28 U.S.C. § 118.

When a state prisoner files a petition for a writ of habeas corpus in a state like Pennsylvania, that contains two or more Federal judicial districts,

the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. **The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.**

28 U.S.C. § 2241(d) (emphasis added).

The Petitioner was tried, convicted, and sentenced in the Court of Common Pleas of Monroe County and, therefore, most, if not all, of the relevant activity occurred within the Middle District of

Pennsylvania. Thus, this Court finds that the furtherance of justice, as well as the convenience of the parties, would be better served by transferring this case to the Middle District Court. This decision is in accordance with the agreed practice of the U.S. District Courts for the Eastern, Middle, and Western Districts of Pennsylvania, which is to transfer any habeas petitions filed by state prisoners in their respective districts to the district in which the county where the judgment of sentence was had is located.

An appropriate Order follows.

Dated: May 21, 2013

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States Magistrate Judge

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ORDER

AND NOW, this 21st day of May, 2013;

IT IS HEREBY ORDERED that this case be transferred to the United States District Court for the Middle District of Pennsylvania. It is FURTHER ORDERED that the Petitioner's motion for leave to proceed *in forma pauperis* [ECF No. 1] is dismissed as moot because he has paid the \$5.00 filing fee.

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States Magistrate Judge